



# WISCONSIN REGULATORY DIGEST

## A Publication of the DEPARTMENT OF REGULATION AND LICENSING

Volume 2, No. 1

FOR PRIVATE SECURITY PERSONS

NOVEMBER, 1998

### Statistics

The Department has issued 9,429 private security permits from the time the new law went into effect until October 27, 1998. However, as of October 27, 1998, only 4,984 permits are in active status. The other 4,198 permits expired on August 31, 1998, and the the permit holders (except for a few, as explained below) may not legally practice again until they renew their permit.

### Renewal Of Private Security Permits

Every private security permit which was issued before August 31, 1998, and which had an expiration date of August 31, 1998, printed on the permit expire on August 31, 1998, unless the permit holder renewed the permit.

There are a number of issues which can result in

### PRIVATE SECURITY PERSONS ADVISORY COMMITTEE

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#### Administrative Staff:

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#### Executive Staff:

Marlene A. Cummings, Secretary  
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confusion for permit holders and the private detective agency which employs them. Therefore, this article will attempt to explain these issues without, hopefully, causing even more confusion.

Please note the following issues:

1. All credentials (licenses, permits, etc.) issued by the Department of Regulation and Licensing and the examining boards must be renewed every 2 years.
2. All original credentials are issued for the remainder of the 2-year licensing period, except that original permits issued during the last 2 months of a licensing period are given an expiration date which is the ending date of the next full 2-year period. For example, a private security permit issued during July and August, 1998 was given an expiration date of August 31, 2000. All other permits issued before July 1, 1998, were set to expire on August 31, 1998.
3. Some credential holders do not renew their credential, because they are no longer engaging in work which requires such a credential. In such cases the department puts a notation in their computer record, indicating that their credential has expired.
4. A private security person whose private security

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permit has expired may renew the permit at some time in the future by filing a renewal application, the renewal fee and a late filing fee.

5. Any person who **files an application for renewal after the date of expiration** may not legally practice as a private security person until he or she has actually received a new permit.

6. If a private security person **files a timely and complete application for renewal** and pays the renewal fee before the expiration date, the person may continue to practice, even though he or she has not yet received a renewal permit. Sometimes there are reasons why the department may have to deny the renewal. In such cases, while the department is processing the renewal, the private security person may continue to practice until he or she has received a formal notice of denial and has had an opportunity to request a hearing on the issues relating to the denial.

7. A private security person may not renew his or her permit, unless the private security person is employed by a private detective agency. This poses a "Catch 22" for some people who are between jobs and who would like to renew, so that they will have a permit when they seek employment with another agency. This also forces them to pay a late filing fee when they renew after the renewal deadline. The department would like to have the statute changed.

### **Important Obligations**

There are 3 things which are extremely critical toward making the regulation of private security persons run smoothly and to make sure that you receive copies of the Regulatory Digest, renewal notices and other information. They are:

- You must inform the department of any change in the address which you have on file with the department. Failure to inform the department of an address change, can result in a \$50 forfeiture. This has been a problem.
- Employers must make sure that all of their currently-employed private security personnel have either received a renewed permit or that they have at least filed a renewal application before September 1, 1998. Most people who applied for renewal should have a new permit by now. There may, however, be a very small number whose eligibility for renewal is still being reviewed, due to the fact that they are in arrears in paying taxes to the Wisconsin Department of Revenue, because there is evidence that they may have been convicted of a crime after they received their original permit, or because there is evidence that they may have lied

on their original application or their renewal application.

- Employers must notify the department when a private security person leaves their employ or begins working for them. It behooves employers to make sure this is done, in order to avoid becoming part of an investigation for the alleged wrongdoing of a person who no longer works for them. The notice must be provided to the department within 5 days after the employment action. The department has a form available for this purpose.

### **False Information on Applications**

We gave the following notice in the last issue of the Regulatory Digest and we will probably repeat it in future issues. If an applicant lies on an application about convictions of crime, the application will be denied just for the fact that they lied. It is best to provide complete information on the application. Not all convictions will result in denial of an application. Felony convictions will result in a denial; however, misdemeanors and ordinance violations are reviewed to determine the nature of the conviction, the number of convictions, the number of years that have gone by since the conviction, evidence of rehabilitation and other similar factors.

An applicant should carefully read the questions on the application form. Don't assume that the department is only asking about felony convictions. Don't follow the advice of a friend who says you only have to list convictions that occurred within the last 5 years. That is not true.

### **Advisory Committee**

The Private Security Advisory Committee has had one meeting since the last issue of the Regulatory Digest. The committee met on May 7, 1998. The next meeting is scheduled for November 13, 1998. All meetings are held at 1400 E. Washington Avenue in Madison and are open to the public.

The agenda for the November meeting will focus on the renewal process and suggestions for making the process run more smoothly in the future. The committee took the following actions at the meeting of May 7, 1998:

- Discussed liability insurance issues with Steve Reed of Capitol Indemnity Corp.

Recommended a statutory change which would provide a 90-day temporary permit for a \$10 permit fee, plus the cost of a criminal records check.

## **Employees of Commercial and Business Companies**

Persons who are employed by commercial and industrial companies are not required to obtain a private security permit, nor a firearms permit, if armed. Please note that the word “employed” is not the same as being “under contract with.” It means that the employer completely controls the work product, the person’s work schedule, withholds taxes from the pay check, and pays unemployment taxes and workers compensation taxes, as is done for all other employees of the company.

### **Legislative**

1997 Wis. Act 139: Under the new law, effective May 5, 1998, an examining board, the Department, and other regulatory authorities are authorized to issue administrative warnings. An administrative warning puts the professional on notice that if the misconduct is repeated, the incident that was the basis for the warning can be used to prove that the person knew the conduct was prohibited. A warning is not discipline and may be issued without a formal complaint or a hearing. The contents of the warning shall be private and confidential. A credential holder may have a warning reviewed before the department or board that issued the warning. The act requires the department to promulgate rules establishing uniform procedures for administrative warnings.

1997 Wis. Act 191: In April 1998, legislation was enacted which provides for suspension of credentials for failure to pay family support or for failure to comply with a subpoena or warrant related to paternity or support proceedings. The determination of failure to pay family support or failure to comply with a warrant or subpoena will be made by county support agencies or the Department of Workforce Development.

The Department of Workforce Development, after proper notice and provision for hearing, will certify to the Department of Regulation and Licensing that a professional who holds a credential issued by the department, or who is applying for a credential is delinquent in support or has failed to comply with a subpoena or warrant. The department then shall restrict, limit or suspend a credential or deny an application for an initial credential or for renewal of a credential. The credential will remain restricted, limited or suspended until the department receives notification of release from the Department of Workforce Development. However, credentials shall not be sanctioned for more than five years, if instituted because of delinquency in support, or for more than six months if instituted for failure to comply with a subpoena or warrant. This act became effective in April 1998.

The new Family Support Collection Act requires the Department of Regulation and Licensing to collect social security numbers from all individuals who apply for new credentials. Applications from individuals who do not submit their social security number will be denied. The social security numbers collected may be disclosed only to the Department of Workforce Development for the purpose of enforcing the Family Support Collection Act, or the Department of Revenue for the purpose of checking for tax delinquencies.

1997 Wis. Act 237: Since 1996, the law has required the department to verify that applicants for credential renewal are not delinquent in payment of Wisconsin state taxes. The department is required to deny renewal if the Department of Revenue certifies that an applicant is tax delinquent.

Effective January 1, 1999, the scope of the law will expand to apply to other state agencies, including the Department of Transportation and the Department of Natural Resources. The law will also change to include applicants for new licenses and current credential holders. After January 1, 1999, the Department of Regulation and Licensing is required to deny the applications for an initial credential if the applicant is certified by the Department of Revenue as being liable for delinquent state taxes. The Department of Regulation and Licensing will also be required to revoke the credential of current credential holders who are tax delinquent.

A person denied or revoked because of a tax delinquency status may request the Department of Revenue to review the certificate of tax delinquency at a hearing.

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### **Disciplinary Actions**

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Department of Regulation and Licensing  
Private Security Section  
P.O. Box 8935  
Madison, WI 53708-8935

# REGULATORY DIGEST

Bulk Rate  
U.S. Postage  
Paid  
Madison, WI  
Permit No. 1369

RETURN SERVICE REQUESTED

## Telephones

The Division of Business Licensure & Regulation has installed a menu telephone system which is designed to more efficiently direct the caller to the appropriate section. The telephone number for licensing staff is:

**(608) 266-5511**

After dialing this number you are asked to press 1, 2, 3 or 4. For the following requests, please press numbers as noted:

<b>Application Forms</b>	<b>Press 11</b>
<b>Complaints Against Licensees</b>	<b>Press 12</b>
<b>Whether A Person is Licensed</b>	<b>Press 21</b>
<b>Change of Address or Name</b>	<b>Press 21</b>
<b>Application Processing &amp; Requirements</b>	<b>Press 43</b>
<b>Changes of Employment</b>	<b>Press 22</b>

## Visit the Department's Web Site

<http://badger.state.wi.us/agencies/drl/>  
Send comments to [dorl@mail.state.wi.us](mailto:dorl@mail.state.wi.us)

## Copies of Regulatory Digest on the Web

See the Web site listed above.

## Wisconsin Statutes and Code

Copies of the Private Detective and Private Security Personnel Statutes and Administrative Code can be ordered through the Board Office. Include your name, address, county and a check payable to the Department of Regulation and Licensing in the amount of \$5.28. The latest edition is dated January, 1998.

## Change of Name or Address?

Please photocopy the mailing label of this digest, make changes in name or address, and return it to the Department. Confirmation of changes are not automatically provided, but may be verified by calling the board office one week after mailing the changes.

**WIS. STATS. S. 440.11 ALLOWS FOR A \$50 PENALTY TO BE IMPOSED WHEN CHANGES ARE NOT REPORTED WITHIN 30 DAYS.**

## Subscription Service

Bi-annual digest subscriptions are published for all credentials in the Department at a cost of \$2.11 each per year. **CREDENTIAL HOLDERS RECEIVE THEIR REGULATORY DIGEST FREE OF CHARGE.** Others may send the fee and this form to the address listed above.

## Subscription Service Order Form

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